

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(715 Maiden Choice Lane)</b>		
1 <sup>st</sup> Election District	*	OFFICE OF
1 <sup>st</sup> Councilmanic District		
Md. Health & Higher Educational	*	ADMINISTRATIVE HEARINGS
Facilities Authority, ( <i>Property Owner</i> )		
Charlestown Community, Inc.	*	FOR BALTIMORE COUNTY
( <i>Facility Owner</i> )		
Petitioners	*	<b>Case No. 2014-0250-SPH</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Md. Health & Higher Educational Facilities Authority, *Property Owner*, and Charlestown Community, Inc. *Facility Owner* (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve proposed campus improvements, including the demolition of four existing buildings, the construction of two new buildings, and associated site work, as an amendment to the prior approved special exception and related plans, most recently amended in Case No. 2011-0255-SPH; and to approve the 2<sup>nd</sup> Material Amendment to the Consolidated CRG Plan.

Appearing at the public hearing in support of the requests was Jared Barnhart, Mitch Kellman, Tim Barnhill, Clara Parker and Dawn Yeager. Patricia A. Malone, Esquire and Justin Williams, Esquire with Venable, LLP represented the Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. The only substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Environmental Protection and Sustainability (DEPS) dated June 24, 2014, noting Petitioners will

need to comply with the environmental regulations concerning the protection of water quality, streams, wetlands and floodplains.

The subject property is 107 acres and is split-zoned DR 5.5, 10.5, DR 16 & OR-2. The property is improved with the Charlestown Retirement Community campus, a well-known facility constructed over 20 years ago in southwest Baltimore County. The facility has had improvements and construction projects through the years, and sheet 1 of the plan (Exhibit 1A) details this extensive zoning and development history. At present, the Petitioners propose to raze four (4) buildings used for assisted living and nursing care. In their place, Petitioners would construct two (2) new buildings for continuing care and assisted living patients. Mr. Barnhill, an architect who was accepted as an expert, presented a twenty-five page booklet (Exhibit 7) with details and renderings of the proposed new buildings. He explained that the existing buildings have become operationally deficient, and that the new construction will take advantage of advancements in the design and function of assisted living and nursing facilities. The Petitioners presented a density chart (Exhibit 6) which shows that the total density units for the facility will in fact decrease from 1,397 (at present) to 1,298. The maximum permitted density for the site is 1,436 units, as set forth at note 3 on the Plan. (Exhibit 1A).

Petitioners' engineer (Jared Barnhart, P.E., who was also accepted as an expert) testified via proffer that B.C.Z.R. §502.1 (containing the standards for special exception relief) was satisfied, and that the project would not have an increase in the number of residents, and would not increase the demand upon public infrastructure or services.

THEREFORE, IT IS ORDERED this 26<sup>th</sup> day of August 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve proposed campus improvements, including the

demolition of four existing buildings, the construction of two new buildings, and associated site work, as an amendment to the prior approved special exception and related plans, most recently amended in Case No. 2011-0255-SPH; and to approve the 2<sup>nd</sup> Material Amendment to the Consolidated CRG Plan, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must, prior to obtaining building permits, comply with the environmental regulations set forth in Article 33, Title 3 of the Baltimore County Code (B.C.C.).

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

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Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB/sln